

Charles W. Hingle, #1947
Shane P. Coleman, #3417
Jason S. Ritchie, #7442
HOLLAND & HART LLP
401 North 31st Street
Suite 1500
P.O. Box 639
Billings, Montana 59103-0639
Telephone: (406) 252-2166
Fax: (406) 252-1669

Attorneys for Hyundai Motor Finance Co.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

INCREDIBLE AUTO SALES, LLC)	Bankruptcy No.06-60855-RBK
)	
Debtor,)	HMFC'S OBJECTION TO MOTION
)	TO MODIFY STAY DOCKET NO. 37
)	
)	NOTICE OF HEARING
)	Date: <u>November 22, 2006</u>
)	Time: <u>10:00 a.m.</u>
)	Location: <u>Telephonic</u>
)	

Creditor Hyundai Motor Finance Company ("HMFC") objects to the Motion to Modify Stay filed by First Interstate Bank ("FIB") as docket no. 37 on the following grounds:

1. FIB's Motion incorrectly states that the subject vehicle is owned by someone other than the Debtor. HMFC is informed and believes that subject vehicle is actually owned and in the physical possession of the Debtor.
2. HMFC is a secured lender and holds a valid, perfected security interest in all inventory of the Debtor pursuant to that certain Inventory Loan and Security Agreement under which Debtor granted to HMFC a "first and prior security interest".
3. HMFC's security interest extends to the subject vehicle.

4. On the facts alleged by FIB, both FIB and HMFC have a security interest in the subject vehicle.

5. In the event the court finds that HMFC' security interest is inferior to the security interest held by FIB, HMFC's security interest would not be extinguished.

6. If, upon such finding, the subject vehicle is sold pursuant to FIB's Motion to Modify Stay, then HMFC is entitled to any excess sale proceeds as a junior secured lender. If the Court so finds and grants FIB's Motion, then the Court's Order should specify that any excess sale proceeds be paid to HMFC.

DATED this 13th day of November, 2006.

/s/ Shane P. Coleman

Charles W. Hingle, #1947

Shane P. Coleman, #3417

Jason S. Ritchie, #7442

HOLLAND & HART LLP

401 North 31st Street

Suite 1500

P.O. Box 639

Billings, Montana 59103-0639

ATTORNEYS FOR HYUNDAI MOTOR
FINANCE CO.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2006, I served a true and correct copy of the foregoing, addressed as follows and by the method shown below:

William L. Needler
P.O. Box 177
Fuller Building Suite H
2 North Spruce Street
Ogallala NE 69153
williamlneedler@aol.com

☐ U.S. Mail, postage prepaid
☒ Electronic service
☐ Overnight Delivery

Clarke B. Rice
Clark B. Rice, P.C.
2951 King Avenue West
Billings, MT 59102

☒ U.S. Mail, postage prepaid
☐ Electronic service
☐ Overnight Delivery

Office of the U.S. Trustee
U.S. Trustee's Office
Liberty Center Suite 204
301 Central Avenue
Great Falls MT 59401

☐ U.S. Mail, postage prepaid
☒ Electronic service
☐ Overnight Delivery

Bruce F. Fain
Murphy, Kirkpatrick & Fain, P.L.L.P.
208 North Broadway, Suite 208
P.O. Box 429
Billings, MT 59103-0429
bruce@murphkirk.com

☐ U.S. Mail, postage prepaid
☒ Electronic service
☐ Overnight Delivery

Christopher P. Birkle
Lovell Law Firm, P.C.
175 North 27th Street, Suite 1206
P.O. Box 1415
Billings, MT 59101
cbirkle@lovellaw.com

☐ U.S. Mail, postage prepaid
☒ Electronic service
☐ Overnight Delivery

/s/ Shane P. Coleman
